



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/761,132

01/20/2004

Raymond A. Liberatore

12 . 800

8784

7590

05/23/2006

William W. Haefliger  
Suite 512  
201 S. Lake Ave.  
Pasadena, CA 91101

EXAMINER

ARYANPOUR, MITRA

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/761,132

Examiner

Mitra Aryanpour

Applicant(s)

LIBERATORE, RAYMOND A.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09 March 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
Please See Continuation sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

  
**MITRA ARYANPOUR**  
**PRIMARY EXAMINER**

Art Unit: 3711

**Continuation of 4(e) Other:** It is unclear what section of the claims have been amended, and it is unclear which claims are newly submitted.

**Continuation of 5 Other:**

In the Drawings: Applicant has failed to address the objections to the drawings.

In the Specification: Applicant has failed to address the objections to the Specification.

In the claims:

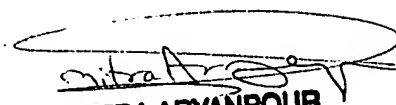
Applicant has failed to address the 112 1<sup>st</sup> and 2<sup>nd</sup> rejection of claims 1, 5-8, 10-16, 19, 21-32 and 34. It appears that applicant may have removed the limitations from the claims without properly identifying what has been added or removed.

The nonstatutory double patenting of claims 1, 5-8, 10-16, 19, 21-25, 27-30-32, 34 of this application over claims 1-21, 24-26, 29-31, 33-36 of copending Application No.10/393,697 has not been addressed.

In conclusion, four (4) sets of claims have been presented:

1. claims originally filed in this application dated 1/20/2004
2. amended claims filed in Response to a Restriction Requirement dated 10/6/2005.
3. first supplemental amendment in response to a Non-Final Office Action dated 2/3/2006. These sets of claims have not been entered.
4. second supplemental amendment in response to a Notice of Non-Compliant dated 3/9/2006. These claims will also not be entered.

Newly submitted claims should reflect amended claims dated 10/6/2005. Therefore, any amendment submitted should reflect claims submitted on 10/6/2005.

  
MITRA ARYANPOUR  
PRIMARY EXAMINER